

REMARKS

Claims 1-22 and 25-30 are pending in the application, with claims 1, 12, 18 and 26 being the independent claims. Claims 1-3, 5, 12, 14, 15, 17, 18, 20-22, 26 and 28 are sought to be amended. Claims 23 and 24 are sought to be canceled without prejudice or disclaimer. Entry and consideration of this Amendment is respectfully requested. No new matter is believed to have been introduced by this Amendment.

Applicant has made the above Amendment to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Based on the above Amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding objections and rejections.

Objection to the Specification

The Examiner objected to the specification as not including a "Summary of the Invention" section and required Applicant to amend the patent application to include such a section. Applicant hereby respectfully traverses the objection and kindly points out to the Examiner that a "Summary of the Invention" section is optional since neither the rules nor the patent statute requires a patent applicant to provide such summary. As discussed in 37 CFR 1.73:

A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, *should* precede the detailed description. Such summary *should, when set forth*, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed [emphasis added]. 37 CFR 1.73.

Thus, Applicant respectfully points out that the use of the word “should” and the phrase “when set forth” indicates that inclusion of a “Summary of the Invention” section is optional rather than mandatory. As a result, it is believed there is no legal basis upon which to require a patent applicant to provide a “Summary of the Invention” section in a patent application or to require an applicant to amend the patent application to include such a summary. Therefore, Applicant respectfully requests that the objection and any requirement related thereto should be withdrawn.

Objections to the Drawings

The Examiner objected to the drawings stating that the methods of claims 23 and 24 must be shown in the drawings or canceled from the claims. Applicant has canceled claims 23 and 24. Therefore, the Applicant respectfully requests that the objections to the drawings be withdrawn.

Objections to the Claims

The Examiner objected to claims 17 and 25 and cited MPEP § 608.01(n) that states that a claim that depends from a *dependent* claim should not be separated by any claim that does not also depend from said dependent claim. Claims 17 and 25 depend from *independent*

claims 12 and 18 respectively. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the objections to claims 17 and 25.

Rejections under 35 U.S.C. § 112

Claims 1-3, 5, 12, 14, 15, 17, 20-22 and 28 are rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which the Applicant regards as his invention. Claims 1-3, 5, 12, 14, 15, 17, 20-22 and 28 have been amended to no longer recite the phrase “substantially.” Applicant believes that the amendments to claims 1-3, 5, 12, 14, 15, 17, 20-22 and 28 address the Examiner’s rejection under 35 U.S.C. § 112, second paragraph, and respectfully request that these rejections be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 102(e)

Claims 1, 2, 4, 5, 7 and 8 are rejected under 35 U.S.C. § 102(e) as being allegedly unpatentable over U.S. Patent No. 6,484,207 (hereinafter referred to as “the Petersen patent”). Applicant respectfully traverses this rejection since the Petersen patent does not teach or suggest each element of amended independent claim 1 for at least the following reason.

Independent claim 1 has been amended to include the feature of the switch-box including a control, where it is the control that recognizes the first predetermined event that results in information being copied. The switch disclosed in the Petersen patent does not include or suggest a control included in a switch-box that recognizes the first predetermined event that results in information being copied. Therefore, for at least this reason, independent claim 1 (and its dependent claims 2, 4, 5, 7 and 8) are patentable over the Petersen patent.

Likewise, the Petersen patent, U.S. Patent No. 6,026,433 (hereinafter referred to as “the D’Arlach patent”), U.S. Patent No. 6,172,542 (hereinafter referred to as “the Williams patent”) and U.S. Patent No. 5,345,327 (hereinafter referred to as “the Savicki patent”), either taken alone or in combination, do not teach or suggest the added feature of claim 1.

Accordingly, Applicant requests that the rejection under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 102(b)

Claims 18-30 are rejected under 35 U.S.C. § 102(b) as being allegedly unpatentable over the D’Arlach patent. Claims 23 and 24 have been cancelled. Applicant respectfully traverses this rejection since the D’Arlach patent does not teach or suggest each element of amended independent claims 18 and 26 for at least the following reason.

Independent claims 18 and 26 have been amended to include a similar feature of a switch-box including a control and a memory buffer, where it is the control that determines that the network copy request has been generated and where the network cut-and-paste data-structure is stored in the memory buffer of the switch-box. The D’Arlach patent does not disclose a switch-box including a control and a memory buffer, where it is the control that determines that the network copy request has been generated and where the network cut-and-paste data-structure is stored in the memory buffer of the switch-box. Therefore, for at least this reason, independent claims 18 and 26 (and their dependent claims 19-22, 25 and 27-30) are patentable over the D’Arlach patent. Likewise, the D’Arlach, Petersen, Williams and Savicki patents, either taken alone or in combination, do not teach or suggest the added

feature of claims 18 and 26. Accordingly, Applicant requests that the rejection under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 103(a)

Claims 3, 6 and 13-17 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over the Petersen patent in view of the D'Arlach patent. Applicant respectfully traverses this rejection since the Petersen and D'Arlach patents, taken alone or in combination, do not teach or suggest each element of amended independent claims 1 and 12 as discussed above. For at least this reason, independent claims 1 and 12 (and their dependent claims 3, 6 and 13-17) are patentable over the Petersen patent in view of the D'Arlach patent. Accordingly, Applicant requests that the rejections under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over the Petersen patent in view of the Williams patent (used as evidence for Official Notice). Applicant respectfully traverses this rejection since the Petersen and Williams patents, taken alone or in combination, do not teach or suggest each element of amended independent claim 1 as discussed above. For at least this reason, independent claim 1 and its dependent claims 9 and 10 are patentable over the Petersen patent in view of the Williams patent. Accordingly, Applicant requests that the rejection under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claim 11 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over the Petersen patent in view of the Savicki patent (used as evidence for Official Notice). Applicant respectfully traverses this rejection since the Petersen and Savicki patents, taken

alone or in combination, do not teach or suggest each element of amended independent claim 1 as discussed above. For at least this reason, independent claim 1 and its dependent claim 11 are patentable over the Petersen patent in view of the Savicki patent. Accordingly, Applicant requests that the rejection under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

INVITATION FOR A TELEPHONE INTERVIEW

The Examiner is invited to call the undersigned, Molly A. McCall, at (703) 633-3311 if there remains any issue with allowance of the case.

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Reply to non-final Office Action mailed on July 28, 2004

CONCLUSION

Applicant respectfully submits that all of the stated grounds of rejection have been properly traversed accommodated or rendered moot. Applicant believes that a full and complete response has been made to the outstanding Office Action. Thus, Applicant believes that the present application is in condition for allowance, and as such, Applicant respectfully requests reconsideration and withdrawal of the outstanding objections and rejections, and allowance of this application.

Respectfully submitted,

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P10854 Reply to Nonfinal OA

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on:

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